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SUBJECT: VOTES BY SPECIAL DISPENSATION -- A REAL ISSUE?

REF: A. A. KINSHASA 1751
[1](#)B. B. KINSHASA 1732
[1](#)C. C. KINSHASA 1754

[1](#)1. (U) Summary: DRC presidential candidate Jean-Pierre Bemba and his alliance have raised concerns about the large number of ballots by special dispensation ("derogation") in the October 29 election. They claim these votes were cast fraudulently by supporters of rival Joseph Kabila. Vote breakdowns provided by the Independent Electoral Commission (CEI) indicate that these votes were widely dispersed between regions supporting Kabila and those supporting Bemba. The high number of votes by special dispensation will be included in a legal challenge to the electoral results which Bemba has already announced. In no case, however, would these contested votes affect the outcome of the presidential election. End summary.

[1](#)2. (U) Presidential candidate Jean-Pierre Bemba, in a November 9 letter to the Independent Electoral Commission (CEI), raised questions about what he claimed was an inordinate number of votes by special dispensation ("derogation") in the October 29 DRC elections (ref B). Writing in his capacity as president of the Movement for the Liberation of the Congo (MLC) party, Bemba alleged that the high numbers were a sign of fraud committed by supporters of his opponent Joseph Kabila. He charged that those who voted in this manner did so primarily in the east and to augment Kabila's totals.

[1](#)3. (U) The high number of votes cast by special dispensation remains one of the most contentious and complicated issues raised by the DRC election. These votes accounted for about 6.6 percent of the total, i.e. 1.095 million of 16.6 million cast. The DRC's electoral law provided this dispensation in order to enable certain categories of persons not present in their assigned polling district on election day to vote. These include civil servants on official mission, candidates, election observers, political party witnesses, CEI staff, journalists, as well as wives and adult children of some military and police.

[1](#)4. (U) A tally of these votes by province provided by the CEI to Bemba in a November 14 letter indicated that these votes were widely dispersed among regions that supported him and those that supported Kabila. Half were cast in western provinces, with the remainder dispersed throughout the eastern and central provinces.

[1](#)5. (U) Provinces with the highest proportions of these votes were in fact all carried by Bemba: Equateur, Bandundu, Eastern and Western Kasai and Kinshasa. The highest number of special dispensation votes was in the Bemba stronghold of

Equateur, which accounted for approximately 23 percent of such votes nationwide, and ten percent of all votes cast in the province. Katanga, a Kabila stronghold, recorded the next highest number with 14 percent of national totals, and about six percent of votes cast in the province. Figures for Bandundu show some 13 percent of all "derogation" votes were cast there, and represented more than nine percent of the provincial total.

¶6. (U) International observer groups are reviewing concerns about special dispensation votes. Both the Carter Center (ref C) and the EU observer missions have confirmed separately that they are analyzing the numbers to determine potential impact on the election. The EU mission has scheduled a formal statement about this issue for November 17.

¶7. (U) Statements to the press November 16 by Fidele Babala, Bemba's current chief of staff, confirmed that Bemba will include this issue in legal challenges to the election result. His party has three days beginning the day after the announcement of provisional results (which were published November 15) to file any complaints with the Supreme Court.

¶8. (SBU) Comment. Bemba and his supporters are working to reap political advantage in an area where the CEI might have done a better job in communicating a complicated element of the electoral process to the general public. It is impossible that any decision regarding these votes will change the outcome of the election. Kabila leads Bemba by a total of 2,616,957 votes. The total number of votes by special dispensation is 1,095,760. Even if all those votes had been cast in favor of Kabila, and even if the Court were to discard all of these ballots as invalid or fraudulent --

KINSHASA 00001759 002 OF 002

which will not happen -- Kabila's lead over Bemba would still be 1,521,197 votes. Bemba's alliance is using this non-issue as a red herring to draw attention away from the fact that they lost in the elections. End comment.
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